

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM S. CAREY and GERMAINE A.  
CAREY,

Plaintiffs,

v.

NEW PENN EXPLORATION, LLC and  
SOUTHWESTERN ENERGY  
PRODUCTION COMPANY, INC.,

Defendants.

CIVIL ACTION NO. 3:09-0188

(JUDGE CAPUTO)

JOHN C. BLISS and CATHERINE L.  
BLISS,

Plaintiffs,

v.

NEW PENN EXPLORATION, LLC,

Defendant.

CIVIL ACTION NO. 3:09-0376

(JUDGE CAPUTO)

CHARLES PUZA, JR. and FRANCES  
CLEMENTS,

Plaintiffs,

v.

ELEXCO LAND SERVICES, INC. and  
SOUTHWESTERN ENERGY  
PRODUCTION COMPANY,

Defendants.

CIVIL ACTION NO. 3:09-0589

(JUDGE CAPUTO)

JOHN G. JULIA,

Plaintiff,

v.

ELEXCO LAND SERVICES, INC. and  
SOUTHWESTERN ENERGY  
PRODUCTION COMPANY,

Defendants.

CIVIL ACTION NO. 3:09-0590

(JUDGE CAPUTO)

**ORDER**

The Court is in receipt of a notice of supplemental authority, filed by the defendants in each of the above-captioned cases, indicating that the Pennsylvania Supreme Court has granted a petition for extraordinary jurisdiction in *Kilmer v. Elexco Land Services, Inc.* and has directed the parties to brief the following issue: "Whether 58 P.S. § 33 precludes parties from contracting that post-production costs be factored into the determination of the amount of royalty payable under an oil or natural gas lease."

This issue may be dispositive of one of the central legal issues currently before the Court in these actions. If not dispositive, the Pennsylvania Supreme Court's decision on the issue in *Kilmer* will, at the very least, provide important guidance in an area that suffers from a dearth of controlling state precedent. The Court therefore finds it appropriate to stay these actions pending the Pennsylvania Supreme Court's decision in *Kilmer*.

NOW, this 30<sup>th</sup> day of June, 2009, **IT IS HEREBY ORDERED THAT** the above-captioned actions are **STAYED** pending the Pennsylvania Supreme Court's decision in

*Kilmer v. Elexco Land Services, Inc.*, 46 MM 2009.



A. Richard Caputo  
United States District Judge